



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
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Monday
thru
Friday
8 AM – 4:30 PM

**PLANNING BOARD
MINUTES
JANUARY 14, 2009
(Approved as amended 2/12/09)**

PLANNING BOARD PRESENT: Craig Francisco, Vice Chairman; Frank Bolton; Dani-Jean Stuart, Alternate; Neal Kurk (arrived at 9:00 PM).

CONSERVATION COMMISSION PRESENT: Andy Fulton, Chairman; Pat Myers, Secretary; George Malette; Steve Najjar and Mike Dahlberg.

GUESTS: Atty. Scott Hogan, Gary Fitzgerald; Jeremy Turner; Jeff Rousch; Frank and Barbara Farmer

I. CALL TO ORDER:

Vice Chairman Craig Francisco called the meeting to order at 7:15 PM at the Weare Town Office Building.

II. JOINT MEETING WITH CONSERVATION COMMISSION:

HIGH ROCK/DANIELS LAKE CONSERVATION EASEMENT – JOINT MEETING WITH CONSERVATION COMMISSION: This was a joint meeting with the Planning Board in an effort to work through any easement deed issues so that the Commission will sign off on it. Scott Hogan, attorney for the applicant was present and gave the Planning Board and Conservation Commission a brief overview explaining the reasoning and how we got to this step. Chairman Fulton read through the proposed conservation easement deed. The one sheet of the plan set entitled “Open Space Conservation Easement Plan” was looked at and the Commission has an issue with fishing and trespassing. Another issue was some of the wording regarding mediating problems. Attorney Hogan stated that he can develop the language and will consult with Attorney Jed Callen for appropriate language. Steve Najjar stated that the deed refers to the plan which has some further restrictions that are not documented in the easement deed. Attorney Hogan will come up with a way of distinguishing the 4 tracts of the parcel, as well as to come up with signage to mark the edge of the easements. Mr. Najjar stated that he would like to run this by Attorney Laura Spector at Mitchell & Bates. They would like to have Ms. Spector review the plan and the deed. Attorney Hogan stated that he will send the information directly to Ms. Spector with a copy of to the Commission. Then comments could be sent back to Attorney Hogan with comments copied to the Commission. The Commission was concerned with how this review was going to be paid for. The first option is to expend from the

Town legal expenses and if not from there the Conservation Fund up to \$1,000. Steve Najjar made a motion to spend up to \$1,000 out of the Conservation Fund to cover the legal expenses to have this reviewed, if the Town legal expense does not cover it; Pat Myers seconded the motion, all in favor. Craig Francisco stated he was concerned with some of the proposed changes. If the changes affect the plan then abutter notification will need to be done to keep it legal. Mike Dahlberg agreed with Mr. Francisco. Attorney Hogan stated that he could look at the conditional approval minutes to see if any of these changes would require abutter notification. Chairman Fulton asked Attorney Hogan if these changes could be done and ready for the February meeting in hopes having it approved.

Mike Dahlberg stated that he would be stepping down for the next discussion.

B. TOWNES CONSERVATION EASEMENT – JOINT MEETING W/PLANNING BOARD: Chairman Fulton stated the issue is what can we do with this easement or are we at an impasse? Craig Francisco stated that we are really only looking at section 1.10. Mr. Dahlberg stated that the document was prepared by Attorney Hatfield after input from the Planning Board. Steve Najjar stated that it looks like the planning board is pushing agricultural which this easement gives the license to blow away the current natural feature and convert it to some agricultural use. Mr. Najjar stated that the two boards need to come to some recognition that is not ok just to throw that in the deed for a non-preexisting condition. That is the real issue. Mr. Dahlberg state is how he has interpreted the emails. Mr. Najjar from a personal concern this thing could turn into any excuse you can come up to and turn it into agricultural. He would like to see some conditions before something actually would get converted. Mr. Dahlberg stated that in the easement under section 1.10 C there are some guidelines regarding forestry, why not do the same thing under 1.10 B Agricultural and before any conversion could occur there would need to be a plan drafted subject to notification and approval by the Grantee. Frank Bolton stated that what started this is the few of soil types are suited for agricultural uses. He feels the potential for agriculture to occur on that property is great. Mr. Dahlberg said he would work on the wording for the next meeting.

OTHER SUBDIVISION CONSERVATION EASEMENTS – JOINT MEETING W/PLANNING BOARD: Chairman Fulton went over the questions that Paul Morin, Chairman of the Planning Board sent back in a response to the minutes of last month. The first question was which legal counsel will be the one reviewing the easement deeds. Chairman Fulton responded that it could be anyone of them. The second question had to do with the Townes Conservation Easement which was addressed above in the discussion with the Planning Board, Conservation Commission and Mr. Dahlberg.

Frank Bolton moved for the Planning Board to adjourn the meeting at 9:15 PM; Craig Francisco seconded the motion, all in favor.

III. ADJOURNMENT:

As there was no further business to come before the board, Frank Bolton moved to adjourn the Planning Board meeting at 9:15 PM; Craig Francisco seconded the motion, all in favor.

Respectfully submitted,

Naomi Bolton
Land Use Coordinator